

2015-18-MJ

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN**

DISTRICT OF THE VIRGIN ISLANDS )  
DIVISION OF ST.THOMAS AND ST.JOHN ) ss:

**AFFIDAVIT**

**I, Gail Fraser, being first duly sworn, do hereby depose and state the following:**

1. I am employed as a Special Agent with the Department of Homeland Security, Homeland Security Investigations (HSI), assigned to St. Thomas, United States Virgin Islands. As a Special Agent, my duties include investigating violations of Immigration and Custom Laws of the United States of America. Because this affidavit is submitted for a limited purpose, I have not included the details of every aspect of this investigation.

2. On May 24, 2015, Dhaval Kumar PATEL and Nikkiben PATEL attempted to board Delta Airlines flight 873 from St. Thomas, VI to Atlanta, GA, at the Cyril E. King Airport. During the pre-boarding inspection process, Dhaval Kumar PATEL presented the following identification to Custom's and Border Patrol (CBP) officers: California Driver's License Number A6329867, bearing a date of birth of July 12, 1979, and claimed to be a United States Citizen. Nikkiben PATEL, claimed to be a legal permanent resident of the United States, presented the following identification to CBP Officers: California Driver's License Number A6329867, bearing a date of birth of May 21, 1985. Dhaval Kumar PATEL also presented to CBP Officer an incomplete 6059B

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Customs Declaration Form for himself and Nikkiben PATEL, his wife, which indicated that he possessed a United States Passport.

3. Dhaval Kumar PATEL and Nikkiben PATEL were subsequently referred to secondary inspection for verification of their immigration status. During secondary inspection, Dhaval Kumar PATEL again stated to CBP Officer Vanbeverhoudt that he was a United States Citizen at which point he was fingerprinted. The results of the fingerprinted analysis conducted by the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS) revealed that Dhaval Kumar PATEL was identified as follows: Dhavalkumar PATEL, date of birth, February 16, 1985. In December 2010, PATEL was issued Federal Identification Number (FIN) 1113102421 after submitting a Student Visa application to enter the United States.

4. Dhavalkumar PATEL's Student Visa application was denied on December 28, 2010, and a Tourist Visa application was denied on June 27, 2014.

5. CBP Officers then fingerprinted Nikkiben PATEL. The results of the fingerprinted analysis conducted by the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System (IAFIS) revealed that Nikkiben PATEL was identified as follows: Nikkiben PATEL has a date of birth of April 15, 1990. In June 2014, Nikkiben PATEL was issued Federal Identification Number (FIN) 1169826075 after submitting a Student Visa application to enter the United States.

6. Nikkiben PATEL's Tourist Visa application was denied on June 27, 2014.

7. Data checks revealed that neither Nikkiben PATEL nor her husband, Dhavalkumar PATEL, legally entered the United States.

8. Dhavalkumar PATEL later admitted to CBP Officers that he and his wife, Nikkiben PATEL, were illegally present in the United States.

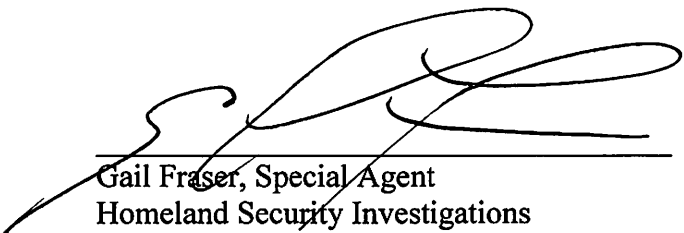
9. Dhavalkumar PATEL further admitted to CBP Officers that he paid Seven Thousand Eight Hundred (\$7,800.00) Dollars for the purchase of two California Driver's Licenses to a man on St. Thomas, VI.

10. HSI Agents later responded to the Cyril E. King Airport where they advised Dhavalkumar PATEL and Nikkiben PATEL of their *Miranda* rights both in English and Gujarat. Dhavalkumar PATEL and Nikkiben PATEL reserved their rights to remain silent, and asked to consult an attorney.

11. On May 26, 2015, HSI St. Thomas Special Agents contacted the California Department of Motor Vehicle and requested a record check for California Driver's License Number A6329867. The record check revealed that California Driver's License number A6329867 was not issued to Dhavalkumar PATEL nor Nikkiben PATEL.

Based on the foregoing facts, affiant states that there is probable cause to believe that the above named individuals have violated Title 18, United States Code, Section 1546(a) and Title 8, United States Code, Section 1325(a).

Further Affiant Sayeth Not.



Gail Fraser, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me this 26 th day of May, 2015.



HONORABLE RUTH MILLER  
United States Magistrate Judge

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